

Rule 12 motions contained in an Answer, but not supported by a brief, act as placeholders and do not prevent joinder of the issues. Where Rule 12 motions are filed and briefed, issues will not join until such motions are resolved by the court, unless otherwise ordered by Court.

An examination of the file in this matter shows that a motion has been filed by Hewitt Associates, LLC to set aside an entry of default entered on January 29, 2015 against Hewitt Management Company, LLC who is a party in this matter. A ruling has not been made on the motion to set aside the entry of default and thus joinder of the issues has not occurred in this case at the present time. For that reason the undersigned will deny the request to enter a scheduling order in this matter. After the motion to set aside the entry of default has been addressed the parties are to submit a new Certification within 10 days of the filing of the Order.

ORDER

IT IS, THEREFORE, ORDERED that the request by the Plaintiff and some of the Defendants to enter a Pretrial Order and Case Management Plan (#28) is **DENIED** as a result of issues not having been joined in this matter.

Signed: March 3, 2015



Dennis L. Howell
United States Magistrate Judge

